

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7333

BILL NUMBER: HB 1421

NOTE PREPARED: Jan 18, 2011

BILL AMENDED:

SUBJECT: Prohibition on Purchase of Alcohol.

FIRST AUTHOR: Rep. Wesco

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (1) Requires a person convicted of operating while intoxicated within the previous two years to surrender the person's driver's license to the Bureau of Motor Vehicles (BMV) and be issued a "recently convicted drunk driver's license", which bears a clearly visible red diagonal bar across the face of the license containing the words "no alcohol sales".
- (2) Provides that the BMV may print the information contained on a recently convicted drunk driver's license perpendicular to the bottom edge of the license.
- (3) Makes it a Class B misdemeanor for a person convicted of operating while intoxicated in the previous two years (defined as a "recently convicted drunk driver") to purchase an alcoholic beverage, and increases the penalty to a Class A misdemeanor if the person has a prior conviction within the past five years.
- (4) Makes it a Class C misdemeanor for a person to knowingly, intentionally, or recklessly sell an alcoholic beverage to a recently convicted drunk driver, and increases the penalty to a Class B misdemeanor if the person has a prior conviction within the past five years.
- (5) Provides a defense for the sale of alcohol to a recently convicted drunk driver if the purchaser presented the seller with apparently valid identification.

Effective Date: July 1, 2011.

Explanation of State Expenditures: This bill will require the BMV to provide a separate driver's license for certain individuals who have been convicted of operating a motor vehicle while intoxicated. The BMV reports the provisions of this bill will require layout changes and a redesign of the current driver's license. The BMV estimates these changes will increase state expenditures by \$280,000 in one-time costs.

The bill's requirements represent an additional expenditure by the agency outside of the agency's routine administrative functions, and existing resource levels, if currently being used to capacity, may be insufficient for full implementation. The additional funds and resources required could be supplied through existing resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Explanation of State Revenues: This bill will increase revenue from the license fees paid by individuals who would be required to surrender their current CDL or driver's license (following a conviction for operating while intoxicated) and obtain a "recently convicted drunk driver's license". Additionally, after two years have passed since the issuance of a "recently convicted drunk driver's license", an individual is eligible to apply for license renewal for a regular license.

The table below shows the cost of obtaining a CDL and to which funds the fees are deposited. If this bill increases the number of CDLs requested in the state, revenue to the Motor Vehicle Highway Account (MVHA), the Bureau of Motor Vehicles Commission (BMVC), and the BMV Technology Fund will increase by the following amounts per CDL request.

| Fees | to MVHA | to BMVC | to Tech Fund |
|---------------------------|----------------|----------------|---------------------|
| CDL (4-year \$30) | \$15 | \$14.50 | \$0.50 |
| Amended CDL (4-year \$20) | \$10 | \$9.50 | \$0.50 |

The fee for a driver's license is \$21. If this bill increases the amount of fees paid for driver's licenses, the following funds would receive the following additional revenue amounts per license requested.

| Distribution of Annual Registration Fee | Fee |
|--|----------------|
| Motor Vehicle Highway Account (MVHA) | \$6.00 |
| Crossroads 2000 Fund | \$3.00 |
| BMV Tech Fund | \$0.50 |
| Anti-Terrorism | \$1.25 |
| Bureau of Motor Vehicles Commission (BMVC) | \$10.25 |
| TOTAL | \$21.00 |

Penalty Provision: The bill also makes purchasing an alcoholic beverage if an individual has been convicted of operating a motor vehicle while intoxicated in the past two years a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense.

Further, the bill makes knowingly, intentionally, or recklessly selling an alcoholic beverage to a recently convicted drunk driver a Class C misdemeanor for a first offense and a Class B misdemeanor for a second or subsequent offense.

If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fines for Class A, B, and C misdemeanors are \$5,000, \$1,000, and \$500, respectively. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* Class A, B, and C misdemeanors are punishable by up to one year, 180 days, and 60 days in jail, respectively.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: BMV.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Steve Leak, BMV; Sarah Meyer, BMV.

Fiscal Analyst: Bill Brumbach, 232-9559.